U.S. Army Corps of Engineers

DISTRICT	OFFICE:	Galveston	Distric
DISTRICT	OFFICE:	Ciaiveston	Distric

FILE NUMBER: 23691

PROJECT LOCATION INFORMATIO	PRA	IFCT	LOCA	TION	INFO	RMA	TION:
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State:

Texas

County: Nueces
Center coordinates of site (latitude/longitude):

27-45-50.6908 97-22-53.2319

Approximate size of area (parcel) reviewed, including uplands: approx. 2 acres.

Name of nearest waterway: Corpus Christi Bay Name of watershed: Corpus Christi Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

132

Date: 18 Feb. 2005

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: approximately 0.11 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Corpus Christi Bay is a navigable water and contains a federal channel, the project site is subject to the ebb and flow of the tide.

	4 17 4 4 47 4 7 4 7 4 7 4 7	FILE NUMBER: 23691
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)	
		Line indicated by:
	clear, natural line impressed on the bank	or scum line along shore objects
	the presence of litter and debris	shell or debris deposits (foreshore)
	changes in the character of soil	sical markings/characteristics
		gages
	shelving othe	
	other:	

	survey to available datum; physical markings; vegetation lines/	changes in vegetation types

	Wetland boundaries, as shown on the attached wetland delineation map are	d/or in a delineation report prepared by:
		1 1 1
	1 W W	
	sis For Not Asserting Jurisdiction:	
<u> </u>	The reviewed area consists entirely of uplands.	
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-	7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part	328.3(a)(3).
	The Corps has made a case-specific determination that the following water	s present on the site are not Waters of the
	United States:	
	Waste treatment systems, including treatment ponds or lagoons, pu	rsuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrig	ation ceased
		and to collect and
	retain water and which are used exclusively for such purposes as st	ock watering irrigation settling basins or
	rice growing.	s and the state of
	Artificial reflecting or swimming pools or other small ornamental b	odies of water created
	by excavating and/or diking dry land to retain water for primarily a	esthetic reasons.
	Water-filled depressions created in dry land incidental to constructi	on activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the con	Istruction or excavation operation is
	abandoned and the resulting body of water meets the definition of v	vaters of the United States found at 33 CEP
	328.3(a).	the office blaces found at 35 CFR
	Isolated, intrastate wetland with no nexus to interstate commerce.	
	Prior converted cropland, as determined by the Natural Resources (Conservation Service Explain rationale:
•	Non-tidal drainage or irrigation ditches excavated on dry land. Exp	lain rationale:
	Other (explain):	
10 4 m 4 m		•
DATAR	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all the	at apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.	
Gal	Data sheets prepared/submitted by or on behalf of the applicant.	
	This office concurs with the delineation report, dated , prepared by	y (company):
272	I his office does not concur with the delineation report, dated pr	epared by (company):
	Data sheets prepared by the Corps.	• • • •
23	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
2	U.S. Geological Survey 7.5 Minute Topographic maps: Corpus Christi	
	U.S. Geological Survey 7.5 Minute Historic quadrangles:	
	U.S. Geological Survey 15 Minute Historic quadrangles:	
X	USDA Natural Resources Conservation Service Soil Survey: Nueces Count	v. Texas
⊠	National wetlands inventory maps: Corpus Christi	,,
	State/Local wetland inventory maps:	
2.3	FEMA/FIRM maps (Map Name & Date): City of Corpus Christi, Communi	ty Panel 485464 0169C July 18, 1985
53	100-year Floodplain Elevation is: (NGVD)	, 10, 10, 10, 100
	Aerial Photographs (Name & Date):	
	Other photographs (Date):	
0	Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	Applicable/supporting case law:	
	Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16732

PRC	JE	CT	LO	CA	TI	ON	IN	FΟ	R	M.	A'	П	O)	N:
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State:

Texas

County:

Cameron Center coordinates of site (latitude/longitude):

N26° 13' 38" W98° 08' 08"

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Rio Grande

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 2/15/05

Date(s):

Site visit(s)

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16732

FILE NUMBER: D-10/3
Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: The North Exercise 1328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: aerial photography
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
Other (explain): EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Pharr and Edinburg U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic padarangles: U.S. Geological Survey 16 Minute Historic padarangles: U.S. Geological Survey 17 Minute Historic padarangles: U.S. Geological Survey 18 Minute Historic padarangles: U.S. Geological Survey 19 Minute Historic padarangles: U.S. Geological Survey 19 Minute Historic padarangles: U.S. Geological Survey 10 Minute Historic padarangles: U.S. Geological Survey 10 Minute Historic padarangles: U.S. Geological Survey 15 Minute Historic padarangles: U.S. Geological Survey 10 Minute Historic padarangles: U.S. Geological Survey 10 Minute Historic padarangles: U.S. Geologic

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 14392(05)1941

PRC	LIECT	LOCA	TION	INFO	RMA	TION:

State:

Tx

County: Jefferson

Center coordinates of site (latitude/longitude): Zone 15; Easting: 410574; Northing: 3293783.

Approximate size of area (parcel) reviewed, including uplands: .04 acres.

Name of nearest waterway: Sabine River

Name of watershed: Sabine

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Ø

Date: 2/18/05 Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 14392(05)1441

I	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)	7.
	The state of the s	
	iclear, natural line impressed on the bank oil or scum line along shore objects	
	the presence of litter and debris fine shell or debris deposits (foreshore)	
	projected markings, characteristics	
	D ababata	
	shelving Other: wetland line	
	other:	
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.	
	•	
L	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:	
B	sis For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).	
	Headquarters declined to ensure initial test	
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).	
N. es	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:	;
	Cinica States.	
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.	
	Artificially irrigated areas, which would revert to unland if the irrigation ceased	
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and	
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, o	
	rice growing.	r
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.	
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land	for
	the purpose of obtaining fin, sand, or gravel unless and until the construction or excavation operation is	
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CF	D
	328.3(a).	K
	Isolated, intrastate wetland with no nexus to interstate commerce.	
	Prior converted cropland, as determined by the Network Programmer Commerce.	
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:	
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:	
	Other (explain):	
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):	
×	Maps, plans, plots or plat submitted by or on behalf of the applicant.	
富	Pote shorts proposed (when its at the control of the applicant.	
	Data sheets prepared/submitted by or on behalf of the applicant.	
	This office concurs with the delineation report, dated , prepared by (company):	
********	This office does not concur with the delineation report, dated prepared by (company):	
	Data sheets prepared by the Corps.	
	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
	U.S. Gaological Survey Typinologic Atlas.	
	U.S. Geological Survey 7.5 Minute Topographic maps:	
	U.S. Geological Survey 7.5 Minute Historic quadrangles:	
	U.S. Geological Survey 15 Minute Historic quadrangles:	
	USDA Natural Resources Conservation Service Soil Survey:	
	National wetlands inventory maps:	
	State/Local wetland inventory maps:	
F	FEMA/FIRM maps (Map Name & Date):	
	100-year Floodplain Elevation is: (NGVD)	
	Aerial Photographs (Name & Date):	
	Other photographs (Date):	
	Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
厨	Applicable/supporting case law:	
	Other information (please specify):	
	outer information (prease specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 21364(02)

Stat Cou Cen App Nan		e (latitude/longitude): 29° : a (parcel) reviewed, includi ay: Galveston Bay	33' 40"N, 94° 55' 45"W (NAD27) ing uplands:0.11 acre.
	ICTIONAL DETEI npleted: Desktop d Site visit(determination 🔣	Date: 16 February 2005 Date(s):
Juri	isdictional Determin	nation (JD):	4
		or "navigable waters of the	on, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
3	Approved JD – An a Check all that apply		ole action (Reference 33 CFR part 331).
			States" (as defined by 33 CFR part 329 and associated guidance) within ictional area:0.11 acre
			s defined by 33 CFR part 328 and associated guidance) within the onal area:
			state waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	Waters defined und The presence of wat	ers that are subject to the e	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in port interstate or foreign commerce.
	(1) The presence of interstate or foreign	waters, which are currently	as "waters of the United States": y used, or were used in the past, or may be susceptible to use in vaters which are subject to the ebb and flow of the tide. interstate wetlands 1.
	(3) The presence of sandflats, wetlands, destruction of which [(i) which are or [(ii) from which [(iii) which are of (4) Impoundments of (5) The presence of (6) The presence of	other waters such as intras sloughs, prairie potholes, on could affect interstate cor r could be used by interstate fish or shellfish are or could or could be used for industrate of waters otherwise defined a tributary to a water ident territorial seas.	tate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or inmerce including any such waters (check all that apply): e or foreign travelers for recreational or other purposes. Id be taken and sold in interstate or foreign commerce. The rial purposes by industries in interstate commerce. as waters of the US. If
D-4	., .	·	waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed blanket permit is located within Galveston Bay.

La	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 32	28 and 329)	21364(02)
	a	High	Tide Line indicated by:
	clear, natural line impressed on the bank		oil or scum line along shore objects
	the presence of litter and debris		fine shell or debris deposits (foreshore)
	changes in the character of soil	ī	physical markings/characteristics
	destruction of terrestrial vegetation		tidal gages
	shelving		other:
	other:	ب	outer.
1502	_		
	Mean High Water Mark indicated by:		
	Survey to available datum; ☐ physical markings; ☐	vegetation l	ines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland de	elineation ma	ap and/or in a delineation report prepared by:
Ba	sis For Not Asserting Jurisdiction:		
	The reviewed area consists entirely of uplands.	•	
	Unable to confirm the presence of waters in 33 CFR part	328(a)(1, 2,	or 4-7).
	Headquarters declined to approve jurisdiction on the basis	s of 33 CFR	part 328.3(a)(3).
	The Corps has made a case-specific determination that th	e following v	waters present on the site are not Waters of the
	United States:		
	Waste treatment systems, including treatment pon	ids or lagoon:	s, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to	upland if the	irrigation ceased.
	Artificial lakes and ponds created by excavating a	nd/or diking	dry land to collect and
	retain water and which are used exclusively for su	ch purposes	as stock watering, irrigation, settling basins, or
	rice growing.		
	Artificial reflecting or swimming pools or other sr	nall ornamen	ital bodies of water created
,	by excavating and/or diking dry land to retain wat	er for primar	ily aesthetic reasons.
	Water-filled depressions created in dry land incide	ental to const	ruction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless	s and until th	e construction or excavation operation is
	abandoned and the resulting body of water meets t	the definition	of waters of the United States found at 33 CFR
	328.3(a).		
	Isolated, intrastate wetland with no nexus to inters	tate commerc	ce.
	Prior converted cropland, as determined by the Na	tural Resource	ces Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated	on dry land.	Explain rationale:
	Other (explain):		
	•		
DATA	DEVENOUS FOR WINDOW		
DAIA	REVIEWED FOR JURSIDICTIONAL DETERMINATION	ION (mark a	all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the	applicant.	
	Data sheets prepared/submitted by or on behalf of the appl	icant.	
	This office concurs with the delineation report, dated		prepared by (company):
-	This office does not concur with the delineation report	t, dated	, prepared by (company):
	Data sheets prepared by the Corps.		
X	Corps' navigable waters' studies:		
	U.S. Geological Survey Hydrologic Atlas:		
23	U.S. Geological Survey 7.5 Minute Topographic maps:		
	U.S. Geological Survey 7.5 Minute Historic quadrangles:		
	U.S. Geological Survey 15 Minute Historic quadrangles:		
	USDA Natural Resources Conservation Service Soil Surve	ey:	
	National wetlands inventory maps:	•	
	State/Local wetland inventory maps:		
	FEMA/FIRM maps (Map Name & Date):		
	100-year Floodplain Elevation is: (NGVD)		
23	Aerial Photographs (Name & Date):		
	Other photographs (Date):		
	Advanced Identification Wetland maps:		
	Site visit/determination conducted on:		
園	Applicable/supporting case law:		
	Other information (please specify):		
	onto mornation (picase specify).		

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23648

for the boat slip is located within Lake Livingston.

PROJECT LOCATION INFORMATION: State: Texas
County: Trinity Center coordinates of site (latitude/longitude): 30° 56′ 54″N, 95° 19′ 08″W (NAD27) Approximate size of area (parcel) reviewed, including uplands: acre. Name of nearest waterway: Lake Livingston Name of watershed: Lower Trinity
TURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 17 February 2005 Site visit(s) Date(s):
Jurisdictional Determination (JD):
Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS OF JURISDICTIONAL DETERMINATION:
A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
 B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
 (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
(iii) which are or could be used for industrial purposes by industries in interstate commerce.
 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.
 (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.
Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed dredging

La ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Applicant supplied plans, 131 elevation.
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	NUMBER: 23647
St Co Co A _l Na	ECT LOCATION INFORMATION: ate: Texas bunty: Trinity enter coordinates of site (latitude/longitude): 30° 56′ 54"N, 95° 19′ 07"W (NAD27) proximate size of area (parcel) reviewed, including uplands:
	DICTIONAL DETERMINATION Description Date: 17 February 2005 Site visit(s) Date(s):
Ju	risdictional Determination (JD):
E	<u> </u>
Z	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.

(4) Impoundments of waters otherwise genineu as waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed dredging for the boat slip is located within Lake Livingston.

L:	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 32 Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Applicant supplied plans, 131 elevation.		2) 23647 igh Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ Wetland boundaries, as shown on the attached wetland d		
Ba	the purpose of obtaining fill, sand, or gravel unless	s of 33 CF ne followin ads or lago upland if t and/or dikin ach purpos mall ornam ater for primental to con as and until the definition state communication attraction and the communication attraction and the communication attraction and the communication and the c	R part 328.3(a)(3). In waters present on the site are not Waters of the sons, pursuant to 33 CFR part 328.3. In the irrigation ceased. In graph dry land to collect and ses as stock watering, irrigation, settling basins, or mental bodies of water created marily aesthetic reasons. Instruction activity and pits excavated in dry land for the construction or excavation operation is ion of waters of the United States found at 33 CFR merce. Durces Conservation Service. Explain rationale:
	Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the appl This office concurs with the delineation report, dated This office does not concur with the delineation report Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	applicant. licant. t, dated	k all that apply):, prepared by (company):, prepared by (company):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	CT OFFICE: CESWG UMBER: 23646
Sta Cou Cer App Nar	ct Location Information: te: Texas unty: Trinity ter coordinates of site (latitude/longitude): 30° 56′ 54″N, 95° 19′ 06″W (NAD27) proximate size of area (parcel) reviewed, including uplands:
	DICTIONAL DETERMINATION mpleted: Desktop determination
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (OF JURISDICTIONAL DETERMINATION:
	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	 (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

(5) The presence of a unumary to a water.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed dredging for the boat slip is located within Lake Livingston.

La N	Ordinary High Water Mark indicated by: High Tide Line indicates	23646
2	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank High Tide Line indicated by: Oil or scum line alo	
	the presence of litter and debris	deposits (foreshore)
	changes in the character of soil physical markings/	characteristics
	destruction of terrestrial vegetation	
	☐ shelving ☐ other: Other: Applicant supplied plans 131 elevation	
	other: Applicant supplied plans, 131 elevation.	
	Mean High Water Mark indicated by:	
	survey to available datum; physical markings; vegetation lines/changes in veg	getation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a deline	eation report prepared by:
D.	Doctor Fam No. 4 August 12 - 12 - 12 - 12 - 12 - 12 - 12 - 12	
Ба	Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands.	
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).	
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328 3(a)(3)	
	The Corps has made a case-specific determination that the following waters present on the	e site are not Waters of the
	Officed States:	
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CI Artificially irrigated areas, which would revert to upland if the irrigation ceased.	FR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect:	and ·
	retain water and which are used exclusively for such purposes as stock watering, i	and rrigation settling basing or
	rice growing.	
	Artificial reflecting or swimming pools or other small ornamental bodies of water	created
	by excavating and/or diking dry land to retain water for primarily aesthetic reason. Water-filled depressions created in dry land incidental to construction activity and	S.
	Water-filled depressions created in dry land incidental to construction activity and the purpose of obtaining fill, sand, or gravel unless and until the construction or ex	pits excavated in dry land for
	abandoned and the resulting body of water meets the definition of waters of the Ui	nited States found at 33 CED
	328.3(a).	med states found at 33 CFR
	Isolated, intrastate wetland with no nexus to interstate commerce.	
	Prior converted cropland, as determined by the Natural Resources Conservation Se	ervice. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	
DATA R	TA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):	
	Maps, plans, plots or plat submitted by or on behalf of the applicant.	
	Data sheets prepared/submitted by or on behalf of the applicant.	
	This office concurs with the delineation report, dated, prepared by (comp This office does not concur with the delineation report, dated, prepared by	any):
	Data sheets prepared by the Corps	(company):
×	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
	U.S. Geological Survey 7.5 Minute Topographic maps:	
Sac at	U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles:	
	USDA Natural Resources Conservation Service Soil Survey:	
	National wetlands inventory maps:	
	State/Local wetland inventory maps:	
	FEMA/FIRM maps (Map Name & Date):	•
	100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):	
	Other photographs (Date):	
	Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	Applicable/supporting case law:	
	Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG

U.S. Army Corps of Engineers

E N	UMBER:	23645															
Stat Cou Cen App Nar	te: Texas unty: Trini uter coordi proximate me of near	ty nates of a size of a est water	site (lati rea (paro way: La	itude/lon cel) revi ake Livir	gitude): ewed, inc							27)					
		Desktop	determ		-	3			Februa	ary 20	05						
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Ø				ved JD i	s an app	ealab	ole acti	on (Re	ferenc	e 33 (CFR p	art 33	1).				
	There the review	e are "na wed area	vigable . Appro	waters o	f the Unsize of ju	ited S risdic	States" ictiona	(as de l area:	fined 1 0.	by 33 3 acre	CFR	part 3 	29 and	i asso	ciated	guidar	nce) within
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	There	e are "iso	Decis	ion supp												etermin	ation of No
<u>A.</u>	Waters of The prese	defined u ence of w	nder 33 aters tha	3 CFR pat are su	art 329 bject to t	as "n the eb	naviga bb and	flow o	f the t	ide ar	id/or	are pre		v used	, or ha	ave bee	n used in
	(1) The p interstate (2) The p (3) The p sandflats, destruction (i) w (ii) f (iii) (4) Import (5) The p (6) The p	resence of or foreign resence of wetland on of which are from which are undments resence of resence	of waters of common finters of other s, slough check or could be or could be or could sof a tribuof territo	s, which nerce, in tate water waters s hs, prair d affect if d be usee or shellfi lld be useers other utary to a orial sease	are curriculding; ers including; ers including the curricular as in ite pothol interstated by intershare or ed for indexise defia water idea.	ently all wading intrastates, we compete the could dustriff ined additional and all the could all th	y used, y aters w interst tate lak wet me nmerce or for ld be ta ial pur as wat ified in	or wer which a ate wet es, rive adows, include eign traken an poses bers of the (1) – (e used re sub lands ^l ers, str playa ing ar aveler d sold by indu he US 4) abo	l in the ject to learns lakes by such story in in in ustries s.	e past o the continued (include, or no h waterecrea tersta s in in	or melbb and iding atternational terms (classificational terms ter	d flow interm ponds neck a or oth oreign e com	of the nittent is, the nittent is, the nittent in that is commerced.	streamuse, de apply rposes merce	ns), mu egradat y): s.	adflats, ion or
	OJE Star Cool Cerr App Narn Narn RISD Cool Jur	OJECT LOCA State: Texas County: Trini Center coordi Approximate Name of near Name of wate RISDICTION Completed: Jurisdictiona Prelimin United S (Referen Approve Check al There the reviewed There reviewed There state [2] The pess the past, Waters (3) The p interstate (2) The p (3) The p interstate (2) The p (3) The p (4) Impon (5) The p (6) The p	State: Texas County: Trinity Center coordinates of s Approximate size of ar Name of nearest water Name of watershed: Lo RISDICTIONAL DETI Completed: Desktop Site visi Jurisdictional Determ Preliminary JD - I United States" and (Reference 33 CF Approved JD - Ar Check all that app There are "nav the reviewed area. There are "iso There are "iso SIS OF JURISDICTIO A. Waters defined u The presence of w the past, or may be (1) The presence of interstate or foreig (2) The presence of (3) The presence of (3) The presence of (4) Impoundments (5) The presence of (6) The presence of (6) The presence of (7) The presence of (8) The presence of (9) The presence of (1) The presence of (2) The presence of (3) The presence of (4) Impoundments (5) The presence of (6) The presence of	OJECT LOCATION INFORISTATE: Texas County: Trinity Center coordinates of site (lating Approximate size of area (parn Name of nearest waterway: Late Name of watershed: Lower Transport Transport Late Name of watershed: Lower Late Name of Watershed:	OJECT LOCATION INFORMATIO State: Texas County: Trinity Center coordinates of site (latitude/lon Approximate size of area (parcel) review Name of nearest waterway: Lake Livin Name of watershed: Lower Trinity RISDICTIONAL DETERMINATION Completed: Desktop determination (JD): Preliminary JD - Based on availal United States" and/or "navigable (Reference 33 CFR part 331). Approved JD - An approved JD in Check all that apply: There are "navigable waters of the reviewed area. Approximate size in the reviewed area. Approximate size in the reviewed area. Approximate size in the past, or may be susceptible for the presence of waters that are sure the past, or may be susceptible for interstate or foreign commerce, in (2) The presence of other waters waters and flats, wetlands, sloughs, prair destruction of which could affect in (i) which are or could be used (ii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iiii) which are or could be used (iii) from which fish or	OJECT LOCATION INFORMATION: State: Texas County: Trinity Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, in Name of nearest waterway: Lake Livingston Name of watershed: Lower Trinity RISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available inform United States" and/or "navigable waters of (Reference 33 CFR part 331). Approved JD - An approved JD is an approcheck all that apply: There are "navigable waters of the United States reviewed area. Approximate size of jurisor in the reviewed area. Approximate size of jurisor in Decision supported by Jurisdiction. SIS OF JURISDICTIONAL DETERMINATI A. Waters defined under 33 CFR part 329 The presence of waters that are subject to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past, or may be susceptible for use to the past of t	OJECT LOCATION INFORMATION: State: Texas County: Trinity Center coordinates of site (latitude/longitude): 30°: Approximate size of area (parcel) reviewed, including Name of nearest waterway: Lake Livingston Name of watershed: Lower Trinity RISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information United States" and/or "navigable waters of the (Reference 33 CFR part 331). Approved JD — An approved JD is an appealate Check all that apply: There are "navigable waters of the United States" (as reviewed area. Approximate size of jurisdiction. There are "isolated, non-navigable, intra-series Decision supported by SW Jurisdiction. SIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "The presence of waters that are subject to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to transposite to the ethe past, or may be susceptible for use to tr	OJECT LOCATION INFORMATION: State: Texas County: Trinity Center coordinates of site (latitude/longitude): 30° 56′ 54″ Approximate size of area (parcel) reviewed, including upl Name of nearest waterway: Lake Livingston Name of watershed: Lower Trinity RISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Date Jurisdictional Determination (JD): Preliminary JD - Based on available information, United States" and/or "navigable waters of the United (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable actic Check all that apply: There are "navigable waters of the United States" the reviewed area. Approximate size of jurisdictional are "isolated, non-navigable, intra-state we Decision supported by SWANCO Jurisdiction. SIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "naviga The presence of waters that are subject to the ebb and the past, or may be susceptible for use to transport int B. Waters defined under 33 CFR part 328.3(a) as "we (1) The presence of other waters, which are currently used, interstate or foreign commerce, including all waters we (2) The presence of interstate waters including interst (3) The presence of other waters such as intrastate lak sandflats, wetlands, sloughs, prairie potholes, wet me destruction of which could affect interstate commerce (i) which are or could be used for industrial pur (4) Impoundments of waters otherwise defined as wat (5) The presence of a tributary to a water identified in (6) The presence of territorial seas.	OJECT LOCATION INFORMATION: State: Texas County: Trinity Center coordinates of site (latitude/longitude): 30° 56′ 54″N, 95° Approximate size of area (parcel) reviewed, including uplands: Name of nearest waterway: Lake Livingston Name of watershed: Lower Trinity RISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there a United States" and/or "navigable waters of the United States (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Recheck all that apply: There are "navigable waters of the United States" (as defined by 3 reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 3 reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters of Decision supported by SWANCC/Migra Jurisdiction. SIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the past, or may be susceptible for use to transport interstate water interstate or foreign commerce, including all waters which are (1) The presence of waters, which are currently used, or were interstate or foreign commerce, including all waters which are (2) The presence of other waters such as intrastate lakes, rive sandflats, wetlands, sloughs, prairie potholes, wet meadows, destruction of which could affect interstate commerce including interstate wet (3) The presence of other waters such as intrastate lakes, rive sandflats, wetlands, sloughs, prairie potholes, wet meadows, destruction of which could affect interstate commerce including linerstate wet (ii) from which fish or shellfish are or could be taken an (iii) which are or could be used for industrial purposes be (4) Impoundments of waters otherwise defined as waters of (5) The presence of a tributary to a water identified in (1) – (6) The presence of territorial seas.	State: Texas County: Trinity Center coordinates of site (latitude/longitude): 30° 56' 54"N, 95° 19' 0: Approximate size of area (parcel) reviewed, including uplands:	State: Texas County: Trinity Center coordinates of site (latitude/longitude): 30° 56′ 54″N, 95° 19′ 05″W (Approximate size of area (parcel) reviewed, including uplands:	OJECT LOCATION INFORMATION: State: Texas County: Trinity Center coordinates of site (latitude/longitude): 30° 56′ 54″N, 95° 19′ 05″W (NAD: Approximate size of area (parcel) reviewed, including uplands:	OJECT LOCATION INFORMATION: State: Texas County: Trinity Center coordinates of site (latitude/longitude): 30° 56′ 54″N, 95° 19′ 05″W (NAD27) Approximate size of area (parcel) reviewed, including uplands:	State: Texas County: Trinity Center coordinates of site (latitude/longitude): 30° 56′ 54″N, 95° 19′ 05″W (NAD27) Approximate size of area (parcel) reviewed, including uplands:	OJECT LOCATION INFORMATION: State: Texas County: Trinity Center coordinates of site (latitude/longitude): 30° 56′ 54″N, 95° 19′ 05″W (NAD27) Approximate size of area (parcel) reviewed, including uplands:	OJECT LOCATION INFORMATION: State: Texas County: Trinity Center coordinates of site (latitude/longitude): 30° 56′ 54″N, 95° 19′ 05″W (NAD27) Approximate size of area (parcel) reviewed, including uplands:	OJECT LOCATION INFORMATION: State: Texas County: Trinity Center coordinates of site (latitude/longitude): 30° 56′ 54″N, 95° 19′ 05″W (NAD27) Approximate size of area (parcel) reviewed, including uplands:

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed dredging is located within Lake Livingston.

D	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Applicant supplied plans, 131 elevation.
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
B:	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Day Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23683 PROJECT LOCATION INFORMATION: State: Texas County: Chambers Center coordinates of site (latitude/longitude): 29° 35' 27"N, 94° 51' 35"W (NAD27) Approximate size of area (parcel) reviewed, including uplands: 0.11 acre. Name of nearest waterway: Galveston Bay Name of watershed: North Galveston Bay JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 16 February 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: Marker There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.11 acre There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed well and production platform is located within Galveston Bay.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

La	ateral Extent of Jurisdiction: (Reference: 33 CFR part		23683
			Line indicated by:
	clear, natural line impressed on the bank	oil or	scum line along shore objects
	the presence of litter and debris		hell or debris deposits (foreshore)
	changes in the character of soil		cal markings/characteristics
	destruction of terrestrial vegetation	☐ tidal g	
	☐ shelving ☐ other:	other:	
	otner:		
X	Mean High Water Mark indicated by:		
	survey to available datum; physical markings;	vegetation lines/cl	nanges in vegetation types.
,			
	Wetland boundaries, as shown on the attached wetlan	d delineation map and	or in a delineation report prepared by:
Ba	asis For Not Asserting Jurisdiction:		
	The reviewed area consists entirely of uplands.		
	Unable to confirm the presence of waters in 33 CFR p	oart 328(a)(1, 2, or 4-7)).
	Headquarters declined to approve jurisdiction on the b	pasis of 33 CFR part 32	28.3(a)(3)
	The Corps has made a case-specific determination tha United States:	t the following waters	present on the site are not Waters of the
	Waste treatment systems, including treatment	nonds or lagoons, nurs	plant to 22 CED new 229 2
	Artificially irrigated areas, which would revert Artificial lakes and ponds created by excavatir	to upland if the irrigat	tion ceased
	Artificial lakes and ponds created by excavatir	ng and/or diking dry la	nd to collect and
	retain water and which are used exclusively fo	r such purposes as stoo	k watering, irrigation, settling basins, or
	rice growing.		
	Artificial reflecting or swimming pools or other	er small ornamental bo	dies of water created
	by excavating and/or diking dry land to retain Water-filled depressions created in dry land in	water for primarily aes	thetic reasons.
		cidental to construction	activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel un	iless and until the cons	truction or excavation operation is
	abandoned and the resulting body of water med 328.3(a).	ets the definition of wa	ters of the United States found at 33 CFR
	Isolated, intrastate wetland with no nexus to in	terstate commerce	
	Prior converted cropland, as determined by the	Natural Resources Co	nservation Service Explain rationale:
	Non-tidal drainage or irrigation ditches excava	ted on dry land. Expla	in rationale:
	Other (explain):	•	
DATAF	REVIEWED FOR JURSIDICTIONAL DETERMIN	ATION (mark all tha	t apply):
	Maps, plans, plots or plat submitted by or on behalf of	the applicant.	
	Data sheets prepared/submitted by or on behalf of the a	ipplicant.	
	 This office concurs with the delineation report, dat This office does not concur with the delineation re 	ed, prepa	red by (company):
	Data sheets prepared by the Corps.	pori, dated	, prepared by (company):
	Corps' navigable waters' studies:		
23	U.S. Geological Survey Hydrologic Atlas:		
×	U.S. Geological Survey 7.5 Minute Topographic maps:		
12	U.S. Geological Survey 7.5 Minute Historic quadrangle	es:	
	U.S. Geological Survey 15 Minute Historic quadrangle	s:	
	USDA Natural Resources Conservation Service Soil Su	ırvey:	
53	National wetlands inventory maps:		
	State/Local wetland inventory maps:		
	FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)		
	100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):		•
ä	Other photographs (Date):		
	Advanced Identification Wetland maps:		
10	Site visit/determination conducted on:		
	Applicable/supporting case law:		
	Other information (please specify):		

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23689 U.S. Army Corps of Engineers

		ATION INFORMATION:		
	e: Texas			
	ınty: Chan		1 > 200 2	OF A HILL AND EST TOWAY OF A PORT
Cer	iter coordi	inates of site (latitude/longitu	ide): 29° 3	7' 04"N, 94° 51' 10"W (NAD27)
App	proximate	size of area (parcel) reviewe	d, includi	ng uplands: 0.11 acre.
		est waterway: Galveston Ba		
Nar	ne of wate	ershed: North Galveston Bay	,	
JURISD	ICTION	AL DETERMINATION		
		Desktop determination	M	Date: 16 February 2005
	p.c.cu.	Site visit(s)	Ħ	Date(s):
		Site visit(s)		Date(s).
Jur	isdictiona	al Determination (JD):		
	Prelimin	ary JD - Based on available	informatio	on, \square there appear to be (or) \square there appear to be no "waters of the
-	United S	States" and/or "navigable wat	ters of the	United States" on the project site. A preliminary JD is not appealable
		ce 33 CFR part 331).		.,
		- '		
2			n appealab	le action (Reference 33 CFR part 331).
	Check al	ll that apply:		
		60 1 - 1	. 11!416	Next - 2 (- 1-5 - 1 by 22 CED most 220 and associated evidence) within
	1 here	e are navigable waters of the	e United S	States" (as defined by 33 CFR part 329 and associated guidance) within
	the revie	wed area. Approximate size	oi jurisui	ctional area
	Thora	o are "waters of the United S	States" (as	defined by 33 CFR part 328 and associated guidance) within the
		d area. Approximate size of		
	101101100	area. Approximate size of	, u. 10 u. v. 10	
	There	e are "isolated, non-navigab	le, intra-s	tate waters or wetlands" within the reviewed area.
	20,000			ANCC/Migratory Bird Rule Information Sheet for Determination of No
		Jurisdiction.	-	
		SDICTIONAL DETERMIN		
Α.	Waters	defined under 33 CFR par	t 329 as "i	navigable waters of the United States":
X				bb and flow of the tide and/or are presently used, or have been used in
	the past,	or may be susceptible for us	e <u>to trans</u> p	oort interstate or foreign commerce.
D	Watere	dofined under 33 CFD per	+ 329 3(a)	as "waters of the United States":
				used, or were used in the past, or may be susceptible to use in
25.00				aters which are subject to the ebb and flow of the tide.
		presence of interstate waters		
				ate lakes, rivers, streams (including intermittent streams), mudflats,
				vet meadows, playa lakes, or natural ponds, the use, degradation or
				nmerce including any such waters (check all that apply):
		which are or could be used by	v interstate	or foreign travelers for recreational or other purposes.
				ld be taken and sold in interstate or foreign commerce.
				ial purposes by industries in interstate commerce.
		undments of waters otherwis		
		presence of a tributary to a w		
	(6) The p	oresence of territorial seas.		
Actual School			it2 to other	waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed well and production platform is located within Galveston Bay.

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Data Service Parts 328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
X	Mean High Water Mark indicated by: ⊠ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Advanced wetlands inventory maps: State/Local wetland inventory maps: EMA/FIRM maps (Map Name & Date): Other photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23682

Stat Cou Cen App Nan	e: Texas unty: Chambers ter coordinates of site (latitude/longitude): 29° 36′ 54″N, 94° 51′ 43″W (NAD27) proximate size of area (parcel) reviewed, including uplands:0.11 acre. ne of nearest waterway: Galveston Bay ne of watershed: North Galveston Bay						
	ICTIONAL DETERMINATION npleted: Desktop determination						
Jur	isdictional Determination (JD):						
Ø.	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).						
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:						
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.						
BASIS (OF JURISDICTIONAL DETERMINATION:						
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.						
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.						
	(2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.						
	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. 						
	ionale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed well and luction platform is located within Galveston Bay.						

La	ateral I	Extent of Jurisdiction: (Reference: 33 CFR parts in in ary High Water Mark indicated by:			23682
•		clear, natural line impressed on the bank the presence of litter and debris	B	High	n Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore)
		changes in the character of soil destruction of terrestrial vegetation		\mathbb{H}	physical markings/characteristics tidal gages
		shelving other:			other:
X	Mean	n High Water Mark indicated by:	-		
		urvey to available datum; physical markings; [
	Wetl	land boundaries, as shown on the attached wetland	delineati	on m	ap and/or in a delineation report prepared by:
Ba	sis For	Not Asserting Jurisdiction: reviewed area consists entirely of uplands.			
	Unab	ple to confirm the presence of waters in 33 CFR par	rt 328(a)(1, 2,	or 4-7).
<u>2</u>	The	Iquarters declined to approve jurisdiction on the ba Corps has made a case-specific determination that ed States:	sis of 33 the follov	CFR ving	part 328.3(a)(3). waters present on the site are not Waters of the
		Waste treatment systems, including treatment po	onds or la	goon	ns, pursuant to 33 CFR part 328.3.
		Artificially irrigated areas, which would revert t Artificial lakes and ponds created by excavating	and/or d	iking	dry land to collect and
		retain water and which are used exclusively for rice growing.	such purp	oses	as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other	small orr	ame	ntal bodies of water created
		by excavating and/or diking dry land to retain w Water-filled depressions created in dry land inci-	ater for p dental to	rima: cons	rily aesthetic reasons. truction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unle	ess and u	ntil th	ne construction or excavation operation is n of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to inte	rstate cor	nmer	rce.
		Prior converted cropland, as determined by the Non-tidal drainage or irrigation ditches excavate Other (explain):	Vatural R	esour	ces Conservation Service. Explain rationale
DATA R	REVIE Maps,	WED FOR JURSIDICTIONAL DETERMINA', plans, plots or plat submitted by or on behalf of the	TION (n	ark	all that apply):
	Data s	sheets prepared/submitted by or on behalf of the ap	plicant.		
	_ ∐ T	his office concurs with the delineation report, dated his office does not concur with the delineation report	ort, dated		, prepared by (company):
<u> </u>	Data S	sheets prepared by the Corps. ' navigable waters' studies:	Í		
	U.S. C	Geological Survey Hydrologic Atlas:			
	U.S. C	Geological Survey 7.5 Minute Topographic maps: Geological Survey 7.5 Minute Historic quadrangles			
	U.S. G	Geological Survey 15 Minute Historic quadrangles:			
<u>93</u> 55	USDA Nation	Natural Resources Conservation Service Soil Surnal wetlands inventory maps:	vey:		
<u> </u>	State/I	Local wetland inventory maps:			
		VFIRM maps (Map Name & Date): ear Floodplain Elevation is: (NGVD)			
<u> </u>	Aerial	Photographs (Name & Date):			
	Advan	photographs (Date): ced Identification Wetland maps:			
	Site vi	sit/determination conducted on: able/supporting case law:			
		information (please specify):			

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	UMBER: SWG-05-07-006
Stat Cou Cen App Nan	CT LOCATION INFORMATION: te: Texas tetry: Harris tetry: Harris
	ICTIONAL DETERMINATION npleted: Desktop determination
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ž.	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acre
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS C	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands.
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). Willow Creek flows into Spring Creek which eventually flows into the San Jacinto River, then into Lake Houston.

	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 a Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Applicant supplied plans.	nd 329) High Tide Line indicated by: oil or scum line along she fine shell or debris depose physical markings/charactidal gages other:	its (foreshore)
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ ve	_	
Basis T T T T T T T T T T T T T	For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Jnable to confirm the presence of waters in 33 CFR part 328 Headquarters declined to approve jurisdiction on the basis of the Corps has made a case-specific determination that the founded States: Waste treatment systems, including treatment ponds Artificially irrigated areas, which would revert to uple Artificial lakes and ponds created by excavating and retain water and which are used exclusively for such rice growing. Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water to water-filled depressions created in dry land incidentating the purpose of obtaining fill, sand, or gravel unless an abandoned and the resulting body of water meets the 328.3(a).	B(a)(1, 2, or 4-7). C33 CFR part 328.3(a)(3). Collowing waters present on the site or lagoons, pursuant to 33 CFR part and if the irrigation ceased. Cor diking dry land to collect and purposes as stock watering, irrigating and the construction activity and pits end until the construction or excavation definition of waters of the United States.	are not Waters of the t 328.3. on, settling basins, or d xcavated in dry land for ion operation is
M Di Di Co U. U. U. Vi Sta FE Ot Ac	328.3(a). Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Natur Non-tidal drainage or irrigation ditches excavated on Other (explain): VIEWED FOR JURSIDICTIONAL DETERMINATION laps, plans, plots or plat submitted by or on behalf of the applica at sheets prepared/submitted by or on behalf of the applica This office concurs with the delineation report, dated This office does not concur with the delineation report, data sheets prepared by the Corps. Orps' navigable waters' studies: S. Geological Survey Hydrologic Atlas: S. Geological Survey 7.5 Minute Topographic maps: S. Geological Survey 7.5 Minute Historic quadrangles: S. Geological Survey 15 Minute Historic quadrangles: S.DA Natural Resources Conservation Service Soil Survey: ational wetlands inventory maps: ate/Local wetland inventory maps: ate/Local wetland inventory maps: EMA/FIRM maps (Map Name & Date): O-year Floodplain Elevation is: (NGVD) crial Photographs (Name & Date): ther photographs (Date): dvanced Identification Wetland maps: te visit/determination conducted on: oplicable/supporting case law: ther information (please specify):	e commerce. al Resources Conservation Service. dry land. Explain rationale: N (mark all that apply): olicant. nt. prepared by (company):	Explain rationale:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23681

is located within Lake Livingston.

PROJECT	LOCATION INFORMATION:							
State: T	exas							
County	County: Polk							
Center	coordinates of site (latitude/longitud	le): 30° 37	7' 09"N, 95° 03' 44"W (NAD27)					
Approx	imate size of area (parcel) reviewed	, includin	g uplands: 0.04 acre.					
Name o	of nearest waterway: Lake Livingsto	n						
Name o	of watershed: Lower Trinity							
JURISDIC:	ΓΙΟΝAL DETERMINATION							
Comple	eted: Desktop determination	B	Date: 15 February 2005					
	Site visit(s)		Date(s):					
	· /	Common Co	•					
Jurisdi	ctional Determination (JD):							
Ur			n, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable					
	proved JD – An approved JD is an a leck all that apply:	appealable	e action (Reference 33 CFR part 331).					
	There are "navigable waters of the reviewed area. Approximate size of		tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:					
	There are "waters of the United State viewed area. Approximate size of ju		defined by 33 CFR part 328 and associated guidance) within the nal area:					
			ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No					
DACIC OF	HIDIODICTIONAL DETERMIN	ATTION.						
	URISDICTIONAL DETERMINA							
🛛 Th		to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.					
B. W	aters defined under 33 CFR part 3	129 3(a) a	s "waters of the United States".					
			used, or were used in the past, or may be susceptible to use in					
			ters which are subject to the ebb and flow of the tide.					
	The presence of interstate waters in							
			ite lakes, rivers, streams (including intermittent streams), mudflats,					
			et meadows, playa lakes, or natural ponds, the use, degradation or					
			merce including any such waters (check all that apply):					
			or foreign travelers for recreational or other purposes.					
님	•		• • •					
님			d be taken and sold in interstate or foreign commerce.					
			al purposes by industries in interstate commerce.					
	Impoundments of waters otherwise							
	The presence of a tributary to a wat	er identiii	ied in (1) – (4) above.					
(0)	The presence of territorial seas.	to other -	waters of the US, except for those wetlands adjacent to other wetlands.					
	The presence of wettands adjacent	to other v	waters of the OS, except for those wetlands adjacent to other wetlands.					
Rationa	ale for the Basis of Jurisdictional I) Determina	ation (applies to any boxes checked above). The proposed boathouse					

ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by:
Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects
the presence of litter and debris fine shell or debris deposits (foreshore)
changes in the character of soil physical markings/characteristics
destruction of terrestrial vegetation tidal gages shelving other
☐ shelving ☐ other: other: Applicant supplied plans, 131 elevation.
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16906

PROJECT LOCATION INFORMATION:

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

Lat: 29.49.41 Long: 95.04.43

Approximate size of area (parcel) reviewed, including uplands: 0.001 acres.

Name of nearest waterway: San Jacinto River Name of watershed: San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 15 February 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Machine There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16906

ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: high Tide Line indicated by: limit High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: J.S. Geological Survey 7.5 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic soli Survey: Jational wetlands inventory maps: Jatical Local wetland inventory maps: Jatical Local wetland inventory maps: J.S. Map Name & Date): O0-year Floodplain Elevation is: (NGVD) J. Minute Historic quadrangles: Data Photographs (Name & Date): Data Photographs (Date): J. Map Name & Date): Data Photographs (Date): J. Map Name & Date): Data Photographs (Date): J. Map Name & Date): Data Photographs (Date):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

FILE N	UMBER:	14114(05	5)839		
P ROJE Sta		ATION II	NFORMAT	ION:	
Co Ce	unty:	harris inates of s	site (latitude/l	ongitude):	UTM Coordinates in NAD 27 (meters): Zone 15; Easting: 302330;
Ap Na	proximate	size of ar	ea (parcel) re way: Taylor l Galveston	Lake	ng uplands: 0 acres.
			ERMINATIO determination		Date: 2/14/05 Date(s):
Ju	risdictiona	l Determ	ination (JD)):	
	United S	States" and	Based on avai d/or "navigab R part 331).	ilable information ile waters of the	on, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
×		ed JD - A		D is an appealab	ole action (Reference 33 CFR part 331).
	There	e are "nav	vigable water Approxima	s of the United S te size of jurisdi	States" (as defined by 33 CFR part 329 and associated guidance) within ictional area:
				nited States" (as ize of jurisdictio	s defined by 33 CFR part 328 and associated guidance) within the onal area:
	™ There	e are "iso		upported by SW.	etate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	Waters The pres	defined u	inder 33 CFI raters that are	subject to the el	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in port interstate or foreign commerce.
	(1) The printerstate (2) The printerstate (2)	presence of e or foreign presence of	of waters, when commerce of interstate v	ich are currently, including all waters including	as "waters of the United States": y used, or were used in the past, or may be susceptible to use in vaters which are subject to the ebb and flow of the tide. interstate wetlands.
	sandflats	s, wetland	s, sloughs, pr	airie potholes, v	tate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or nature, including any such waters (check all that apply):

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

FILE NUMBER: 14114(05) 839 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ⊠ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. \Box Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23609

PROJECT LOCATION INFORMATION:

State:

TEXAS

County:

MATAGORDA

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 14, 787306E, 3168072N

Approximate size of area (parcel) reviewed, including uplands: 0.17 acres.

Name of nearest waterway: MATAGORDA BAY

12090402 EAST MATAGORDA BAY Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 16 FEBRUARY 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [(iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23609

Lat	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: I water Mark indicated by: I High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages I destruction of terrestrial vegetation other: Other: AS STATED BY APPLICANT
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: PALACIOS POINT, TEXAS J.S. Geological Survey 7.5 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 16 Minute Historic quadrangles: J.S. Geological Survey 17 Minute Historic quadrangles: J.S. Geological Survey 18 Minute Historic quadrangles: J.S. Geological Survey 18 Minute Historic quadrangles: J.S. Geological Survey 18 Mi

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23677

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State:

Texas

County:

Matagorda

Center coordinates of site (latitude/longitude):

UTM 15 241110E 3188522N (NAD27) Sargent quadrangle

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Caney Creek Caney Creek Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 14 Feb 05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project is located along Caney Creek.

FILE NUMBER: 23677

	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Plans Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Jnable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Jnited States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
[Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	AVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): daps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: D.S. Geological Survey Hydrologic Atlas: D.S. Geological Survey 7.5 Minute Topographic maps: D.S. Geological Survey 7.5 Minute Historic quadrangles: D.S. Geological Survey 15 Minute Historic quadrangles: D.S. Geological Survey 15 Minute Historic quadrangles: D.S. Geological Survey 16 Minute Historic quadrangles: D.S. Geological Survey 17 Minute Historic quadrangles: D.S. Geological Survey 18 Minute Historic quadrangles: D.S. Geological Survey 19 Minute Historic quadrangles: D.S. Geological Survey 19 Minute Historic quadrangles: D.S. Geological Survey 10 Minute Historic quadrangles:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23680

PR	OIE	CT	LOCA	TION	INFOR	RMATION	•
1 1/	V.IL	\sim 1					•

State: Texas

County: Matagorda
Center coordinates of site (latitude/longitude):

UTM 15 239596E 3188593N (NAD27) USGS Sargent Quad

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Caney Creek Name of watershed: Caney Creek

JURISDICTIONAL DETERMINATION

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is located along Caney Creek.

FILE NUMBER: 23680

Υ.	41 T4-	CT 1 11 41 (5)				FILE NUMBER: 2368
	Ordinary clea the cha desi	He of Jurishiction: (Ref. High Water Mark incompression of litter and larges in the character of truction of terrestrial values of the character of the charact	sed on the bank debris of soil		igh Tide l oil or fine s	
	Mean Hig	gh Water Mark indica y to available datum;	ted by: physical markings;] vegetatio	on lines/cl	nanges in vegetation types.
	Wetland	boundaries, as shown	on the attached wetland of	lelineatior	map and	or in a delineation report prepared by:
Ba Ba	The revie Unable to Headquar The Corp United St W An Telephone An Telephone W W the ab	ters declined to appross has made a case-spetates: /aste treatment system retificially irrigated are retificial lakes and pontain water and which are growing, retificial reflecting or so excavating and/or dilection distribution of the case of excavating and/or dilection declined and the results. (28.3(a).)	rely of uplands. of waters in 33 CFR part ve jurisdiction on the bas ecific determination that the as, including treatment poi eas, which would revert to ds created by excavating are used exclusively for so wimming pools or other s king dry land to retain was as created in dry land incid as fill, sand, or gravel unles ling body of water meets and with no nexus to inter	is of 33 Clane following a upland if and/or dikuch purpound ter for printental to constant the definition of the definit	FR part 32 mg waters coons, purs the irrigating dry lasses as stoomental bomarily aesonstruction of waterce.	28.3(a)(3). present on the site are not Waters of the muant to 33 CFR part 328.3. tion ceased. Ind to collect and to collect and to watering, irrigation, settling basins, or dies of water created
	☐ No	on-tidal drainage or im ther (explain):	rigation ditches excavated	on dry la	nd. Expla	in rationale:
	Maps, plan Data sheet This o This o Data sheet Corps' nav U.S. Geold U.S. Geo	ns, plots or plat submits prepared/submitted office concurs with the office does not concurs prepared by the Convigable waters' studies ogical Survey Hydrological Survey 7.5 Minogical Survey 7.5 Minogical Survey 15 Minogical Survey 15 Minogical Survey 16 Minogical Survey 17 Minogical Survey 18 Minogical Survey 19 Minogical S	gic Atlas: ute Topographic maps: ute Historic quadrangles: ate Historic quadrangles: ervation Service Soil Surv os: aps: & Date): : (NGVD) ate): d maps: d on:	e applicant licant. , pr rt, dated	epared by	t apply): (company): pared by (company):
	Other infor	mation (please specify	y):			

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16925

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Brazoria

Center coordinates of site (latitude/longitude):

UTM 15, 265052E, 3243014N

Approximate size of area (parcel) reviewed, including uplands: ~2 acres. Name of nearest waterway: unnamed tributary Flores Bayou and Austin

Name of watershed: Austin Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 24 January 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\infty\) there appear to be (or) \(\subseteq\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Unnamed tributary extends the OHWM of Austin Bayou, a water of the U.S. that is navigable further downstream.

FILE NUMBER: D-16925 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Rosharon quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Rosharon quad State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Map Number 48039C0275H, June 5, 1989 (NGVD) 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 1995 DOQQ Other photographs (Date): 2005 from the applicant Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16923

PROJECT LOCATION INFORMATION:

State:

Texas

County: Brazoria Center coordinates of site (latitude/longitude):

UTM 15, 269674E, 3251109N

Approximate size of area (parcel) reviewed, including uplands: ~2 acres. Name of nearest waterway: unnamed tributary of Chocolate Bayou

Name of watershed: Chocolate Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 24 January 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\subseteq\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Unnamed tributary extends the OHWM of Chocolate Bayou, a water of the U.S. that is navigable further downstream.

FILE NUMBER: D-16923 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Liverpool quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Liverpool quad State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Map Number 48039C0280H, June 5, 1989 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOOO Other photographs (Date): 2005 from the applicant

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16924

PROJECT LOCATION INFORMATION:

State: Texas County: Brazoria

Center coordinates of site (latitude/longitude): UTM 15, 265998E, 3257516N

Approximate size of area (parcel) reviewed, including uplands: ~2 acres.

Name of nearest waterway: unnamed tributary of the West Fork of Chocolate Bayou

Name of watershed: Chocolate Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 24 January 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Unnamed tributary extends the OHWM of the West Fork of Chocolate Bayou, a water of the U.S. that is navigable further downstream.

FILE NUMBER: D-16924 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Juliff quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Juliff quad State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Map Number 48039C0120H, June 5, 1989 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOOO Other photographs (Date): 2005 from the applicant

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

CESWG-PE-RC DISTRICT OFFICE: FILE NUMBER: D-8086/(01) PROJECT LOCATION INFORMATION: Texas State: County: Calhoun 29° 14' 33"N, 94° 52' 40"W Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 8.29 acres. Name of nearest waterway: Gulf of Mexico Name of watershed: Gulf of Mexico JURISDICTIONAL DETERMINATION Date: 7 February 2005 Completed: Desktop determination Date(s): 8 February 2005 Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: __ Matter There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>Unknown</u> There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are adjacent because they are located within close proximity (neighboring) to the Gulf of Mexico, a navigable water of the United States subject to the ebb and flow of the daily tide.

FILE NUMBER: D-8086/01

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
āg.	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
變	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Ford Surveying Firm
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the data forms, dated , prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Lake Como U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: Galveston County, Texas National wetlands inventory maps: Lake Como State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel 4854690046 E (December 6, 2002) 100-year Floodplain Elevation is: 17 (NGVD) Aerial Photographs (Name & Date): Infrared Aerial Photograph/DOQQ – Galveston 2003 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 8 February 2005 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC **FILE NUMBER:** D-16291/(01)

DЪ	OFCT	CATION	INFORMATION:
rĸ	4 J. S P. 4 . I	1 A M . A 1 IV // Y	HITCH WILLIAM

State:

Texas

County:

Fort Bend

Center coordinates of site (latitude/longitude):

29° 38' 20"N, 95° 36' 22"W

Approximate size of area (parcel) reviewed, including uplands: Unknown

Name of nearest waterway: Oyster Creek Name of watershed: Oyster Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 16 February 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the appear to be no be
 United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

I.a	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)	(01
	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore)	
	changes in the character of soil physical markings/characteristics	
	destruction of terrestrial vegetation tidal gages shelving other:	
	other:	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
23	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:	
Bar Bar San	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: The drainage feature is not a re-routed surface tributary system and does not extend the ordinary high water mark of a water of the United States. As such, this linear drainage feature is a manmade upland drainage ditch.	ĉor ₹
	Other (explain):	
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.	
	Data sheets prepared/submitted by or on behalf of the applicant.	
	This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company):	
	This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps.	
	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Alief, TX	
図	U.S. Geological Survey 7.5 Minute Historic quadrangles: Alief, TX	
33	U.S. Geological Survey 15 Minute Historic quadrangles:	
	USDA Natural Resources Conservation Service Soil Survey: Fort Bend National wetlands inventory maps: Alief, TX	
	State/Local wetland inventory maps:	
	FEMA/FIRM maps (Map Name & Date): Panel 48157C0140K (REV: April 20, 2000)	
	100-year Floodplain Elevation is: (NGVD)	
	Aerial Photographs (Name & Date): Alief, TX - 1995 Other photographs (Date):	
	Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	Applicable/supporting case law: Other information (please specific):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16658

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Calhoun

Center coordinates of site (latitude/longitude):

28° 27' 02"N, 96° 25' 26"W

Approximate size of area (parcel) reviewed, including uplands: 2- acres

Name of nearest waterway: West Matagorda Bay

Name of watershed: Matagorda Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 7 February 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are adjacent since they are located within the 100-year floodplain of West Matagorda Bay, a navigable water of the United States subject to the ebb and flow of the daily tide.

FILE NUMBER: D-16658

т.	FILE NUMBER: D-1003
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
3	Ordinary High Water Mark indicated by: High Tide Line indicated by:
	clear, natural line impressed on the bank oil or scum line along shore objects
	The state of the s
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation tidal gages
	shelving other:
	other:
	oner.
Sec.	Market Ma
卷	
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	e, e
器	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
-	Coastal Surveying of Texas
	Coastal Surveying of Texas
_	
	sis For Not Asserting Jurisdiction:
\$100 E	The reviewed area consists entirely of uplands.
2 18 12	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
詞	Handquarters declined to empress insidiation as the last 220(27), 2, 01 4-7).
1000	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
52.2E	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excepting and/or diking dry lend to retain under far a fair the state of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	•
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
	Guide (explain).
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.
13-21	
	This office concurs with the delineation report, , prepared by (company):
-	This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps.
	Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
景	U.S. Geological Survey Trythologic Atlas.
	U.S. Geological Survey 7.5 Minute Topographic maps: Port O'Connor
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
25	USDA Natural Resources Conservation Service Soil Survey:
	National wetlands inventory maps: Port O'Connor
₫ 2	State/Local wetland inventory maps:
\bowtie	FEMA/FIRM maps (Map Name & Date): Panel 4800970208D, 2 April 1992
	100-year Floodplain Elevation is: 9 (NGVD)
X	Aerial Photographs (Name & Date): Port O'Connor DOQQ - 2003
1 E	Other photographs (Date):
鑑	Advanced Identification Wetland maps:
缺	Site visit/determination conducted on:
1	Applicable/supporting case law:
	Other information (please specify):
	one moment (prease specify).

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

FILE NU PROJEC State Cou Cen App Nan	e: Texas
JURISD Con	ICTIONAL DETERMINATION npleted: Desktop determination
Jur	isdictional Determination (JD):
E	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:0.42-ac
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	 (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.
Ra	ationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are adjacent to Buffalo Bayou a navigable water of the United States.

FILE NUMBER:

D-16926

La T	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation tidal gages other:		
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.		
1	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:		
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland drainage ditch with no direct connection to a water of the United States. Other (explain):		
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated _Jan 14, 2005, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Agological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadra		

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16969 PROJECT LOCATION INFORMATION:
State: Texas County: Harris Center coordinates of site (latitude/longitude): 29° 46′ 58"N, 95° 40′ 00"W Approximate size of area (parcel) reviewed, including uplands: _N/A Name of nearest waterway: Buffalo Bayou Name of watershed: Buffalo Bayou
JURISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Date: 2-17-05 Date(s):
Jurisdictional Determination (JD):
Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.
BASIS OF JURISDICTIONAL DETERMINATION:
A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands.
(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), muditars, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.
Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER:

D-16969

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland drainage ditch excavated out of dry land when Barker Reservior was built. Upland drainage ditches are not waters of the United States under 33 CFR 328. Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1985 Addicks U.S. Geological Survey 15 Minute Historic quadrangles: 1955 Addicks U.S. Geological Survey 15 Minute Historic quadrangles: 1918 Addicks U.S. Datural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): See submitted info in file

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16978

PROJECT	LOCATION	INFORMATION:

State:

Texas

County:

Cameron

Center coordinates of site (latitude/longitude):

Lat: 25-54-1.4426 N Long: 97-29-38.3069 W

Approximate size of area (parcel) reviewed, including uplands: 6.9 acres.

Name of nearest waterway: Rio Grande Name of watershed:

South Laguna Madre

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 15 February 2005

Date(s):

Jurisdictional Determination (JD):

Site visit(s)

	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
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Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

\mathbf{n}	J. J. J. Land Control of the Timited Control?	
A	Waters defined under 33 CFR part 329 as "navigable waters of the United States":	
17.	Waters defined and are subject to the ebb and flow of the tide and/or are presently use	ed, €

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

в.	Waters defined under 55 CFR part 52005(a) as waters defined under
528	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	(1) The presence of waters, which are subject to the ehh and flow of the tide.
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
\$47.20	(2) The presence of interstate waters including interstate wetlands.

(2) The presence of interstate waters including interstate wetlands'.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16978

eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 16 July 2004, prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: East Brownsville, Tex. Photorevised 1970 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: feet (NGVD) Aerial Photographs (Name & Date): 1995 Infrared Aerial

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16861

DDAIFCT	LOCATION	INFORM.	ATION:
PRUJECT	LUCALION	TI II O LUIL	

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

Lat: 29-49-3.5472 N

Long: 95-38-44.9556 W

Approximate size of area (parcel) reviewed, including uplands: 20 acres.

Name of nearest waterway: Bear Creek

Name of watershed:

Buffalo Bayou-San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 15 February 2005

Date(s): 10 February 2005

Jurisdictional Determination (JD):

Juli		there appear to be no "waters	of the
	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq \) United States" and/or "navigable waters of the United States" on the project site (Reference 33 CFR part 331).	e. A preliminary JD is not app	ealable
	(Reference 33 CFR part 331).		

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are within the 100-year floodplain of Bear Creek and are therfore adjacent to Bear Creek. Bear Creek is a tributary to Buffalo Bayou, a navigable water Uinted States, and therfore is a water of the Uinted States. The adjacent wetlands are waters of the United States pursuant to 33 CFR 328.3(a)(7).

FILE NUMBER: D-16861

Ordinary High Water Mark indicated by: clear, natural line impressed on the bank miles in the presence of litter and debris miles in the character of soil physical markings/characteristics destruction of terrestrial vegetation other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 16 July 2004, prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Addicks, Tex. Photorevised 1980 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County, Texas; Panel 610 of 1135 Map No. 48201C0610J dated 6 er 1996 100-year Floodplain Elevation is: 104 feet (NGVD) Aerial Photographs (Name & Date): 1995 Infrared Aerial Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 10 February 2005 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).